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7 Attorneys for Stephen Beal

8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12
13 v.
14 STEPHEN BEAL,
15 Defendants.

No. CR 19-CR-47-JLS
SENTENCING MEMORANDUM

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19 Defendant Stephen Beal, by and through his counsels of
20 record, files the instant sentencing memorandum. This
21 memorandum is based on the attached memorandum of points
22 and authorities and any other arguments or evidence the
23 Court wishes to hear at the sentencing hearing.
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1 Respectfully Submitted,
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3 Dated: January 5, 2024
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5 //s// Meghan Blanco
6 MEGHAN BLANCO
7 ANTHONY SOLIS
8 Attorneys for defendant
9 STEPHEN BEAL
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MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

On July 19, 2023, following a jury trial, Mr. Beal was found guilty of Using a Weapon of Mass Destruction Resulting in Death (Count 1: 18 U.S.C. § 2332a(a)(2)), Destruction of a Building Resulting in Death (Count 2: 18 U.S.C. § 844(i)), Using a Destructive Device During and in Relation to a Crime of Violence (Count 3: 18 U.S.C. §§ 924(c)(1)(B), 924(c)(1)(B)(ii)), and Possessing an Unregistered Destructive Device (Count 4: 26 U.S.C. § 5861(d)).

On December 15, 2023, the United States Probation Office ("USPO") disclosed its Presentence Investigation Report ("PSR") and Recommendation Letter for Mr. Beal. The USPO calculates a total offense level of 43 and a criminal history category I. The recommended sentence is a term of life plus 30 years. (Recommendation Letter). This term consists of life on each of counts 1 and 2, 120 months on count 4, all such terms to be served concurrently, and 30 years on count 3 to be served consecutively to counts 1 and 2. (Recommendation Letter)

Mr. Beal's sentencing hearing is scheduled for January 19, 2024. Mr. Beal submits this memorandum to assist the Court in fashioning an appropriate sentence. While Mr. Beal does not dispute the sentencing calculation, he does dispute specific portions of the PSR, as well as the

1 recommendation that the Court impose a sentence that
2 exceeds Mr. Beal's natural life, as addressed in detail
3 below.

4 II. Mr. Beal's Objections to PSR

5 The PSR indicates that all the information concerning
6 the offense conduct was "obtained from the Indictment, and
7 discovery and information provided by the Assistant U.S.
8 Attorney and the Federal Bureau of Investigation (FBI)
9 case agent." (PSR, ¶ 8). Mr. Beal objects to the Offense
10 Conduct as detailed in ¶¶ 10 - 21, 60 - 62, and 69 and
11 asserts that the factual materials in the Offense Conduct
12 section of the PSR should be based only upon the trial
13 transcripts and trial exhibits, and not upon selected
14 discovery or information provided by the prosecution. The
15 best evidence for the offense conduct is that which was
16 submitted and examined at trial, rather than that which
17 was contained in the indictment, discovery, and/or from
18 the prosecution.

19 III. Guidelines Calculation

20 The USPO finds that Mr. Beal's base offense level is
21 43, pursuant to USSG § 2A1.1. (PSR ¶ 43). It seeks no
22 adjustments or departures. It further finds that Mr. Beal
23 falls into criminal history category I, and that his
24 resulting Guidelines range is life.

25 Additionally, pursuant to 18 USC § 924(c)(1)(B), (D),
26 the USPO finds that a consecutive, mandatory sentence of
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1 30 years is required on count 3. (PSR ¶ 93). Mr. Beal
2 concurs with the USPO's calculations under the Guidelines.
3 However, as discussed below, a sentence that exceeds a
4 person's natural life is excessive and does not meet any
5 sentencing goals in this, or any, case.

6 IV. Sentencing Considerations

7 A. The Guidelines

8 This Court has a duty to consider all the factors
9 outlined in 18 U.S.C. § 3553(a) in determining the
10 appropriate sentence in Mr. Beal's case, to reach a
11 sentence that is sufficient but not greater than necessary
12 to address the goals of sentencing.

13 The Guidelines in this case call for a sentence of
14 life, which in the federal system is functionally
15 equivalent to life without the possibility of parole - as
16 parole is no longer available federally - plus a mandatory
17 consecutive sentence of 30 years. This converts Mr.
18 Beal's total Guidelines sentence to 30 years past his
19 natural life. Such a sentence serves no purpose under the
20 Guidelines.

21 In imposing a "life" sentence, the specifics of any
22 defendant must be examined carefully. Mr. Beal is a
23 college-educated, 64-year-old man who was born in Long
24 Beach, California. He graduated from Pepperdine
25 University with a degree in Management and raised three
26 beautiful children in the same community in which he,
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1 himself, was born and raised. (PSR ¶ 53, 79,). He
2 remains extremely close to all his children, who continue
3 to support him through these proceedings. (PSR ¶ 63).

4 According to the United States Social Security
5 Administration "Retirement & Survivor Benefits: Life
6 Expectancy Calculator" ([https://www.ssa.gov/cgi-](https://www.ssa.gov/cgi-bin/longevity.cgi)
7 [bin/longevity.cgi](https://www.ssa.gov/cgi-bin/longevity.cgi) last accessed January 6, 2024), a man
8 born in the United States in 1959, at Mr. Beal's current
9 age, has an additional life expectancy of approximately 19
10 years. While the calculator recognizes that the estimate
11 does "not take into account a wide number of factors such
12 as current health, lifestyle, and family history that
13 could increase or decrease life expectancy," 19 years
14 would mean that Mr. Beal would reach approximately 84
15 years old.

16 However, when "current health, lifestyle, and family
17 history" are taken into consideration, Mr. Beal's life
18 expectancy diminishes considerably. Mr. Beal's older
19 brother died at age 60 from chronic obstructive pulmonary
20 disease. (PSR ¶ 53). Mr. Beal's father also died from a
21 blood clot. (PSR ¶ 54).

22 Individuals who are incarcerated live much shorter
23 lives than individuals who are not. According to the Vera
24 Institute, "each year that someone spends in prison cuts
25 their life expectancy by two years."

26 (<https://www.vera.org/news/health-care-behind-bars-missed->
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1 [appointments-no-standards-and-high-](#)
2 [costs#:~:text=Each%20year%20that%20someone%20spends,would%20be%20five%20years%20higher](#) last accessed January 6,
3
4 2024). This means that Mr. Beal's remaining life
5 expectancy in prison would be approximately 2/3 shorter
6 than it would be if he were not incarcerated for the
7 remainder of his life.

8 Similarly, the life expectancy of cancer survivors
9 decreases by 30 percent, on average. ([https://www.news-](https://www.news-medical.net/news/20171218/Cancer-survivors-have-shorter-lifespan-finds-new-study.aspx)
10 [medical.net/news/20171218/Cancer-survivors-have-shorter-](#)
11 [lifespan-finds-new-study.aspx](#)). Mr. Beal has had bladder
12 and colon cancer. (PSR ¶ 73). He is currently being
13 monitored by medical staff for colon cancer. (*Id.*)

14 When these specific factors are taken together, then
15 Mr. Beal's actual life expectancy is less than a decade.
16 This would make the mandatory consecutive sentence of 30
17 years on Count 3 the equivalent of roughly three life
18 sentences for Mr. Beal. And this would be *on top of* an
19 additional Guidelines sentence of life.

20 Such a sentence is duplicitous and would serve no
21 purpose under the Guidelines. Mr. Beal respectfully
22 requests that the Court take his actual life expectancy
23 into consideration when fashioning an appropriate
24 custodial sentence in this case.

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1 B.Mr. Beal's Characteristics

2 Mr. Beal was born into a middle class family in Long
3 Beach, California, in 1959. (PSR ¶ 53). He attended
4 Cerritos College for two years and then Pepperdine
5 University, where he graduated with a degree in Management
6 in 1978. (PSR ¶ 77-78). He married his college
7 sweetheart, Christine, in 1979. (PSR ¶ 58). They
8 remained happily married until Christine's untimely death
9 in 2008.

10 Mr. Beal and Christine provided a loving and stable
11 family environment to their three children, Charlene,
12 Nathaneal, and Charity. They were involved in music and
13 frequently did projects together as a family. (PSR ¶ 60).
14 Mr. Beal remains extremely close with all his children.
15 (PSR ¶¶ 59, 60, 63, 67).

16 Mr. Beal worked as a management consultant for much of
17 his adult life. He was extremely talented, and at the end
18 of his career, he earned approximately \$180,000 a year.
19 However, Mr. Beal's life took a tragic turn around the
20 time his wife, Christine, died. He stopped working and
21 experienced depression, for which he sought some therapy.
22 (PSR ¶ 74).

23 In 2018, Mr. Beal met Valerie Stone through an online
24 dating service. (PSR ¶ 66). Their relationship developed
25 rapidly and deeply. Before his arrest, they became
26 engaged and committed to spending the rest of their lives
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1 together. She has continued to support Mr. Beal through
2 his arrest and trial. She continues to support him today.
3 Mr. Beal also maintains regular contact with his children.
4 (PSR ¶ 66).

5 Mr. Beal has been diagnosed with cancer twice.
6 Although he survived a somewhat recent diagnosis of
7 bladder cancer, the cancer is highly recurrent and often
8 fatal. (PSR ¶ 73). He is currently being monitored by
9 medical staff at MDC for prostate cancer.

10 V. Restitution

11 Mr. Beal respectfully requests that the Court put-over
12 restitution as defense counsel has not received adequate
13 information concerning the total restitution requested.
14 The government appears to concur with this request. (ECF
15 at pp. 6).

16 VI. BOP Placement

17 Mr. Beal respectfully requests that the Court recommend
18 his placement in a medical facility as close to Oregon as
19 possible.

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1 VII. Conclusion

2 Mr. Beal agrees with the USPO's Guideline's
3 calculation but objects to portions of the PSR described
4 herein, as well as the recommendation that the Court
5 impose a sentence that exceeds his natural life.

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7 Respectfully Submitted,

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9 //s// Meghan Blanco

10 MEGHAN BLANCO

11 ANTHONY SOLIS

12 Attorneys for defendant

13 STEPHEN BEAL
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